

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION) MDL No. 1456

THIS DOCUMENT RELATES TO:)

*United States of America, ex rel. Ven-A-Care) Judge Patti B. Saris
of the Florida Keys, Inc., v. Abbott)
Laboratories, Inc.*, Civil Action No. 06-11337-) Magistrate Judge Marianne B. Bowler
PBS)

**STIPULATION OF DISMISSAL
OF COMMON LAW FRAUD CAUSE OF ACTION**

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, the Plaintiffs, United States and Ven-A-Care of the Florida Keys, Inc., and the Defendant Abbott Laboratories, Inc. hereby stipulate to the dismissal with prejudice of the Fourth Cause of Action, Common Law Fraud Claim, of the Plaintiffs' Amended Complaint.

For the United States of America,

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SOUTHERN DISTRICT OF FLORIDA

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above STIPULATION OF DISMISSAL OF COMMON LAW FRAUD CAUSE OF ACTION to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: June 22, 2009

/s/ Ann M. St. Peter-Griffith
Ann M. St. Peter-Griffith